

14.11.2022
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allowed

CRM(DB) No. 3931 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 228 of 2021 dated 11.03.2021 under Sections 420/406/379/376D/465/468 of the Indian Penal Code.

And

In Re : Sailen Ghosh alias Subhajit Ghosh petitioner

Mr. Angshuman Chakraborty

Mr. S. S. Saha

.....for the petitioner

Ms. Faria Hossain

Mr. Anand Keshari

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 68 days. It is also submitted that there is inordinate delay in lodging F.I.R. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim lady. She alleges she was ravished by the petitioner and co-accused in 2019. She had also been duped by them on the false promise of giving employment. She remained silent for two years and lodged F.I.R. in 2021. Credibility of her allegation requires to be assessed in the light of the delay in lodging F.I.R. during trial.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnanagar, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)